

DOCKET NO. END0786USNP

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jesse J. Kuhns Confirmation No.: 1232  
Serial No.: 10/015,631 Examiner: Tuan Nguyen  
Filed: December 10, 2001 Group Art: 3731  
Title: **SURGICAL INSTRUMENT HAVING A FASTENER  
DELIVERY MECHANISM**

Hon. Assistant Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(b)

Dear Sir:

Your Petitioner, Ethicon Endo-Surgery, Inc., a corporation of the State of Ohio, having a registered office at 4545 Creek Road, Cincinnati, Ohio 45242, certifies that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the above-captioned patent application 10/015,631. The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in Ethicon Endo-Surgery, Inc.

Your Petitioner, Ethicon Endo-Surgery, Inc. hereby disclaims, under the provisions of 35 USC 253, the terminal part of any patent granted on application Serial No. 10/015,631 which would extend beyond the expiration date of the first to expire of the following United States Patents: 6,551,333; 6,447,524; 6,425,900 and hereby agrees that any patent so granted on application Serial No. 10/015,631, shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to United States Patents: : 6,551,333; 6,447,524; 6,425,900 this agreement to run with any patent granted on application Serial No. 10/015,631 and to be binding upon the grantee, its successors or assigns.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/END0786USNP/DLG.

Signed at Cincinnati, Ohio this 1<sup>st</sup>, day of February, 2006.

Respectfully submitted,

Ethicon Endo-Surgery, Inc.

\_\_\_\_\_/Dean L. Garner/  
Dean L. Garner  
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